

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

02 JUL 22 PM 3:40

69cv07941-JEC-ACE

RIO CHAMA STREAM SYSTEM
Rito de Tierra Amarilla, Section 7

WAIVER OF SERVICE OF SUMMONS

To: Edward G. Newville
State Engineer Office
P.O. Box 25101
Santa Fe, NM 87504-5102

I acknowledge receipt of your request that I waive service of a summons in the action of State of New Mexico *ex rel.* State Engineer v. Aragon, which is case number CV 7941-JC in the United States District Court for the District of New Mexico. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the adjudication suit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that the time allowed within which I must answer the complaint was extended pursuant to the interim procedural order entered by the court on November 26, 2001, and that I am not obligated to file an answer until after the entry of a new procedural order that establishes a deadline for rejecting the terms of the State's proposed Consent Order.

Signature

TONY MARTINEZ

Address

P.O. Box 626 Artec, N.M.

Printed or typed name

Date

Tony Martinez
4-21-02

RECEIVED

JUN 12 2002

OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

6771